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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,211	04/04/2006	Zoltan A. Kemeny	D-3184	3664
33197 7590 11/10/2008 STOUT, UXA, BUYAN & MULLINS LLP 4 VENTURE, SUITE 300 IRVINE, CA 92618			EXAMINER VESRA, DINESH K	
			ART UNIT 3633	PAPER NUMBER
			MAIL DATE 11/10/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/522,211

Applicant(s)

KEMENY, ZOLTAN A.

Examiner

Dinesh Vesra

Art Unit

3633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-9 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 14 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/ISD)
Paper No(s)/Mail Date 1 August 2006
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plurality of upper and lower interstitial regions (Claims 3-4) and the upper and lower interstitial regions filled with filler material (Claims 5-6) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. For examination purposes, it will be assumed that the upper and lower interstitial regions refer to open space between the upper and lower plates and between the connecting members (80).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: conical cavities 40 (Page 6, lines 14-15); ball bearings 50 (Page 6, line 18); interstitial regions 90 (Page 8, line 29); and leaf spring 609 (Page 11, lines 1-2). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kemeny (US Patent 5,599,106).** Kemeny discloses an isolation platform (20 – Fig. 2) comprising an upper plate (21A) which the structure to be supported is placed (Column 4, line 10, said upper plate having a plurality of downward facing conical, rigid bearing surfaces (23 located on 21A); a lower plate (21B) secured to a foundation (Column 4, lines 10-11), said foundation supporting the isolation platform and the structure to be supported, said lower plate having a plurality of upward-facing, conical, rigid bearing surfaces (23 located on 21B) disposed opposite said downward-facing, conical, rigid bearing surfaces, said downward and upward bearing surfaces defining a plurality of bearing cavities between said upper and lower plates (see Fig. 2); a plurality of rigid spherical balls (24) interposed between said downward and upward bearing surfaces; said downward and upward bearing surfaces comprising central apices having the same curvature as that of said spherical balls (25) such that a restoring force is substantially constant, and having recess perimeters (16) having the same curvature as that of said spherical balls, which connects said central apices and recess perimeters with continuous slope (23), wherein the curvature of said spherical balls and downward and upward bearing surfaces are further configured such that as said spherical balls and upper and lower plates displace laterally relative to one another, vertical displacement is near zero (see Fig. 2); and a retention mechanism (14) for securing said lower plate and said upper plate together.

Kemeny further discloses the isolation platform as set forth above further comprising a resiliently deformable gasket (22) interposed between upper and lower plates.

Claim Rejections - 35 USC § 103

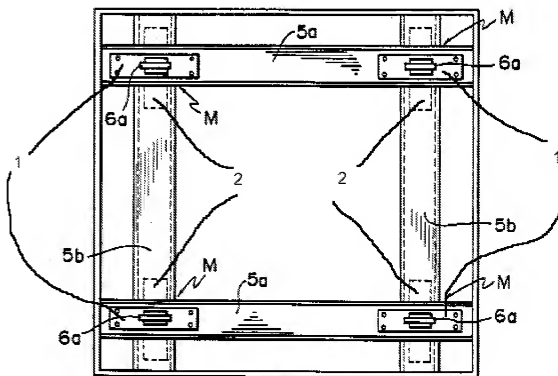
5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **As best understood, claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kemeny in view of Kawai et al. (US patent 5,934,029).** Kemeny discloses the platform as set forth above, but does not disclose wherein said upper plate comprises a plurality of upper plate segments attached to a plurality of corresponding upper connecting members which define said upper plate and further define a plurality of upper interstitial regions; and wherein said lower plate comprises a plurality of lower plate segments attached to a plurality of corresponding lower connecting members which define said lower plate and further define a plurality of lower interstitial regions. Kawai et al. disclose an isolation platform (see Fig. 13 below) wherein said upper plate comprises a plurality of upper plate segments (1) attached to a plurality of corresponding upper connecting members (5a) which define said upper plate and further define a plurality of upper interstitial regions (area between members 5a); and wherein said lower plate comprises a plurality of lower plate segments (2) attached

to a plurality of corresponding lower connecting members (5b) which define said lower plate and further define a plurality of lower interstitial regions (area between members 5b). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the isolation platform of Kemeny with this configuration in view of the teachings of Kawai et al. The motivation for doing so would be that using a plurality of plate members connected together would allow for a stronger base for a building or machinery to rest on.

Fig. 13



7. **As best understood, claims 5-6 rejected under 35 U.S.C. 103(a) as being unpatentable over Kemeny and Kawai et al. as applied to claims 3-4 above, and further in view of Kwon (US Patent 5,452,548).** The combination of Kemeny and Kawai et al. disclose the platform as set forth above, but do not disclose a filler material in the interstitial regions. Kwon discloses providing an interstitial region in an isolation device with a filler material (48 - Fig. 1). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the isolation platform of Kemeny and Kawai et al. with filler material in the interstitial regions in view of the teachings of Kwon. The motivation for doing so would be to strengthen the isolation platform by providing reinforcement between the plates and connecting members.
8. **Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kemeny in view of Kawai et al.** Kemeny discloses the first open pan structure and the second open pan structure as disclosed (see line item 4 above), as well as a payload securing device on a top surface of the first pan structure (Column 4, line 10) but does not disclose the first and second open pan structure having four plates or wherein the pan structures are movably fastened together with straps. Kawai et al. discloses an isolation platform comprising two pan structure having four plates (1). At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the first and second open pan structure of Kemeny with the four plate isolation platform of Kawai et al. to provide a stronger base for a payload as discussed in line item 6 above. With regards to the pan structures being fastened together with straps, Kemeny discloses fastening the pan structures with bolts (14). It is obvious to one of ordinary

skill in the art that straps can be used in the place of bolts to connect two plates together. The motivation for using straps rather than bolts would be to allow for quicker fastening and releasing of the two plates.

9. **Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kemeny and Kawai et al. as applied to claim 7 above, and further in view of Yano et al. (US Patent 4,883,250).** Kemeny and Kawai et al. disclose the isolation platform as set forth above, but do not disclose wherein the first and second pan structures are open on one longitudinal end allowing access to cables. Yano et al. disclose an isolation platform open to one longitudinal end (4 - Fig. 1) allowing access to cables (5). At the time of the invention it would have been obvious to a person of ordinary skill in this art to provide the isolation platform of Kemeny and Kawai et al. with one open longitudinal end in view of the teachings of Yano et al. The motivation for doing so would be to allow the user to easily access cables, piping, or other wiring present at the bottom of the payload supported by the platform.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinesh Vesra whose telephone number is (571) 270-5221. The examiner can normally be reached on Monday - Thursday 9:00 a.m. - 7:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dinesh Vesra/
Examiner, Art Unit 3633
/Basil Katcheves/
Primary Examiner, Art Unit 3635